

Tillery, Loreto

From: Lehrman, Stephen (Pryor) [Stephen_Lehrman@pryor.senate.gov]
Sent: Tuesday, March 25, 2014 3:21 PM
To: Distefano, Nichole
Subject: RE: NESHAP Rule for Brick and Structural Clay Products Manufacturing

Still playing telephone tag with Kevin Bailey. Going to today's briefing on WOTUS. Stephen :

Exple

From: Distefano, Nichole [mailto:DiStefano.Nichole@epa.gov]
Sent: Tuesday, March 25, 2014 3:15 PM
To: Lehrman, Stephen (Pryor)
Subject: RE: NESHAP Rule for Brick and Structural Clay Products Manufacturing

Hey hopefully you got what you need from our folks on this.

On another note, do you all have what you need on WOTUS?

Nichole Distefano
Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
Environmental Protection Agency
(202) 564-5200
Distefano.Nichole@epa.gov

From: Lehrman, Stephen (Pryor) [mailto:Stephen_Lehrman@pryor.senate.gov]
Sent: Tuesday, March 25, 2014 11:01 AM
To: Distefano, Nichole; 'Distefano, Nichole (McCaskill) (Nichole_Distefano@mccaskill.senate.gov)'
Subject: NESHAP Rule for Brick and Structural Clay Products Manufacturing

Hi Nichole – who do I speak with on your staff about this soon to be proposed rule? Thanks. Stephen

Exple

Tillery, Loreto

From: Lehrman, Stephen (Pryor) [Stephen_Lehrman@pryor.senate.gov]
Sent: Thursday, September 19, 2013 2:28 PM
To: Distefano, Nichole
Subject: RE: SPCC Letter to EPA
Attachments: 20130820_Letter to EPA_Retroactive Enforcement of SPCC.pdf

Hi Nichole – When may Senator Pryor expect a reply to his letter of August 20? Thanks. Stephen

Rple

From: Distefano, Nichole [mailto:DiStefano.Nichole@epa.gov]
Sent: Tuesday, August 20, 2013 5:03 PM
To: Holland, Luke (Inhofe); Vaught, Laura
Cc: Herrgott, Alex (Inhofe); Lehrman, Stephen (Pryor)
Subject: Re: SPCC Letter to EPA

Thanks Luke.

From: Holland, Luke (Inhofe) <Luke_Holland@inhofe.senate.gov>
Sent: Tuesday, August 20, 2013 4:40:55 PM
To: Vaught, Laura
Cc: Distefano, Nichole; Herrgott, Alex (Inhofe); Lehrman, Stephen (Pryor)
Subject: SPCC Letter to EPA

Hey Laura and Nichole –

Hope you guys are having a good week so far.

Attached is a letter from Senator Pryor and us on the SPCC Rule. We've heard some concern from industry about retroactive enforcement following the September 23 expiration of the current CR rider prohibiting enforcement, and we're looking for some clarification about what EPA intends to do. Let me know if you have any questions.

Thank you!

Luke

Luke Holland
Republican Subcommittee Staff Director
Subcommittee on Oversight
Senate Environment & Public Works Committee
Office of Senator James M. Inhofe
205 Russell Senate Office Building
Washington, DC 20510

(202) 228-0380 (fax)

United States Senate

WASHINGTON, DC 20510

August 20, 2013

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy,

We write to request clarification on the Environmental Protection Agency's (EPA) interpretation of its authority under the current appropriations legislation with regard to enforcing the Spill, Prevention, Containment, and Countermeasure (SPCC) rule on farms. It has come to our attention that EPA is informing agriculture producers that it does have the authority to begin enforcing the SPCC rule retroactively beginning September 23. Congress has repeatedly raised concerns about the implementation of this rule within the agriculture sector, making these reports particularly unsettling.

In June 2011, we sent EPA a letter with 31 of our colleagues asking the Agency to do more outreach to the agriculture community on the rule and to delay its implementation. EPA agreed to extend the compliance deadline to May 10, 2013, but in the preceding months the agency did not conduct effective outreach. In addition to holding only a handful of nationwide outreach meetings, the EPA rejected the request of one growers association in New England to provide a briefing on how its members could comply with the rule.

When it became clear EPA would be unable to adequately educate farmers about the rule prior to the May 10, 2013 compliance deadline, the Senate adopted Amendment 29 to H.R. 933, the FY2013 Continuing Resolution appropriations bill, which was ultimately signed into law. This amendment prohibits EPA from enforcing the rule against farmers until September 23, 2013.

In May, the Senate adopted Amendment 801 by unanimous consent to S. 601, the Water Resources Development Act, which would permanently exempt most farmers from the SPCC rule. While the House has yet to take up S. 601, it did include a similar provision as part of H.R. 2642 that passed the House in July.

Congress has clearly established its intent to limit the impact of the SPCC rule on the agriculture sector, and to ultimately exempt the majority of it from having to comply. With this Congressional intent in mind, we ask whether the EPA would retroactively enforce this rule against the nation's agriculture producers? If the agency has no such plan, is it EPA policy that if a farmer or rancher were to have a plan in place on Sept. 23 and does not have a spill, EPA will view the operation compliant with the SPCC rule for farms? If the agency does plan to retroactively enforce the rule, will you please explain why you are doing this despite the clear,

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bipartisan steps Congress has been taking over the past few months to limit this rule's impact on the agriculture community?

We appreciate your swift response to our questions.

Sincerely,



James M. Inhofe
United States Senate



Mark Pryor
United States Senator

Tillery, Loreto

From: Distefano, Nichole
Sent: Monday, August 19, 2013 6:31 PM
To: Stephen Lehrman
Subject: Re: SPCC Program for Agriculture

Sure. My morning is pretty full but I am available around 3.

From: Lehrman, Stephen (Pryor) <Stephen_Lehrman@pryor.senate.gov>
Sent: Monday, August 19, 2013 6:17:18 PM
To: Distefano, Nichole
Subject: SPCC Program for Agriculture

Hi Nichole – we are hearing rumblings that EPA will start enforcing the SPCC Program for agriculture when the CR expires on 9/22. Can we talk about this tomorrow? Thanks.

Stephen Lehrman
Office of Senator Mark Pryor
Legislative Assistant

stephen_lehrman@pryor.senate.gov

Tillery, Loreto

From: Distefano, Nichole
Sent: Tuesday, March 25, 2014 11:52 AM
To: Stephen Lehrman
Cc: Lewis, Josh; Bailey, KevinJ
Subject: Re: NESHAP Rule for Brick and Structural Clay Products Manufacturing

Stephen -

I am looping Josh Lewis and Kevin Bailey one of whom can help you?

From: Lehrman, Stephen (Pryor) <Stephen_Lehrman@pryor.senate.gov>
Sent: Tuesday, March 25, 2014 11:00:36 AM
To: Distefano, Nichole; 'Distefano, Nichole (McCaskill) (Nichole_Distefano@mccaskill.senate.gov)'
Subject: NESHAP Rule for Brick and Structural Clay Products Manufacturing

Hi Nichole – who do I speak with on your staff about this soon to be proposed rule? Thanks. Stephen

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